ZB# 87-30

James Rinaldi / Ann Shepard

59-4-2

Rinaldi, Jame Shepherd, Ann.

	General Receipt 9009
TOWN OF NEW WINDSOR 555 Union Avenue New Windsor, N. Y. 12550	James Linaldi June 10 19 87
Received of <u>Clas</u>	Melvas 1 \$ 2500
Twenty +	ive and too DOLLARS
For 3BAlapp	Elication Ell 87-30
DISTRIBUTION: // FUND / // CODE	AMOUNT DE LES DE LA
Chech & 25.	By Jeanen V. Jowney
#205	7 Tour Clerk
Williamson Law Book Co., Rochester, N. Y. 14609	Title

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NEW WINDSOR ZONING BOARD OF APPEALS

In the Matter of the Application of DECISION GRANTING

AREA VARIANCE

JAMES RINALDI,

Windsor, New York; and

#87-30.

WHEREAS, JAMES RINALDI, 12 Scotchtown Avenue, Goshen, New York, 10924, has made application before the Zoning Board of Appeals for an area variance for purposes of subdividing a lot which has insufficient area located on west side of Valley View

and Lakeview Road in an R-4 zone; and WHEREAS, a public hearing was held on the 22nd day of June,

WHEREAS, the applicant appeared with William B. Hildreth, L. S.; and

1987 before the Zoning Board of Appeals at the Town Hall, New

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

- The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
- 2. The evidence shows that applicant is seeking permission to subdivide a lot which contains two residences thereon.
- The evidence presented by the applicant substantiated the fact that the proposal would not be detrimental to the neighboring properties.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

- The evidence shows that the applicants will encounter practical difficulty if the variance requested is not granted due to the fact that applicant cannot obtain additional property to make the lot conform to bulk regulations.
- The requested variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood which is residential in nature.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 5,463 s.f. lot area variance for purposes of subdividing a lot which contains two residences thereon in accordance with plans submitted at public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: July 13, 1987.

Chairman

May 11, 1287.

TOWN OF NEW WINDSOR ORANGE COUNTY, N. Y. OFFICE OF ZONING BUILDING INSPECTOR

447

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

NOTICE OF BIOMPROVILE OF BOILDING PERMIT MPPERATION
File No. Bridle, James - owner. Date 5/4 19.87 To JOSEPH PARRINELLO
REP AUN SHEPARD 1-800-631 4592
REP AUN SHEPARU
PLEASE TAKE NOTICE that your application dated
for permit to CERTIFICATE OF OCCUPANCY
at the premises located at VALLEY VIEW DR B.D.L. No: R-4 - Water/k
is returned herewith and disapproved on the following grounds:
THERE ARE TWO DWELLING ON ONE
LOT. THEY ARE GOING FOR A SUBDIVISION
SEC 48-38 (D)
Mukal Bakeck Bullding Inspector
(see attacheel 48-33(D)
48

Requirements
Requirements
Lot Area 21,780 sf. 16,317 s.f.
Min. Lot Width

Variance Request 5,463 5.f.

447

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. Bare James - Owner. Date 5/4 19.87
REP AUN SHEPARD 1-800-631 8592
PLEASE TAKE NOTICE that your application dated
for permit to CERTIFICATE OF OCCUPANCY
at the premises located at VALLEY VIEW DR B.D.L. No.; Howe! R-Y-Waterfellow.
is returned herewith and disapproved on the following grounds:
THERE ARE TWO DWELLING ON ONE
LOT. THEY ARE GOING FORASUBDIVISION
BUT NEED A CHOUTER TEMPORARY C-O
Mulas Bullding Inspector
(see attacheel 48-33(D)
·
Proposed or Variance Requirements Available Request Nin. Lot Area 21,780 sf 16,317 s.f. 5,463 s.f. Min. Lot Width
Reqd. Front Yd. Reqd. Side Yd. Reqd. Rear Yd. Reqd. Street
Frontage* Nax. Bldg. Fgt. Vin. Floor Area* Dev. Coverage* % % % %. Floor Area Ratio***
* Residential Districts only ** Non-re dential districts only

- with, said residential district nor conflict with the normal traffic of the neighborhood.
- [2] The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
- (2) In issuing a special permit, the Board may require any walls, fences or landscaping which it deems necessary to protect the value of adjacent properties or to prevent any hindering of the appropriate development of adjacent land.
- (3) Each application for a special permit shall be accompanied by a proposed plan showing the size and location of the lot and the location of all buildings and proposed facilities, including access drives, parking areas and all streets within two hundred (200) feet of the lot.
- (4) Any use for which a special permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that such permit shall affect only the lot or portion thereof for which such permit shall have been granted.
- (5) The Board of Appeals may require that special permits be periodically renewed. Such renewal shall be granted following due public notice and hearing and may be withheld only upon a determination by the Board to the effect that such conditions as may have been prescribed by the Board in conjunction with the issuance of the original permit have not been or are no longer being complied with.
- remporary certificate of occupancy.
- (1) To authorize, upon denial by the Zoning Inspector of a certificate of occupancy, the issuance of a temporary

certificate of occupancy by the Zoning Inspector for a period not to exceed ninety (90) days, for the completion of any alterations that are required under the provision of any law or ordinance or for the completion of a part of an uncompleted building, provided that the Board finds that:

- (a) The denial of a certificate of occupancy prior to completion of said alterations or of the building would cause unnecessary hardship.
- (b) The safety of the occupants of the building and of adjacent buildings and land would be adequately assured under such terms and conditions as said Board may prescribe.
- (2) Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owner or of the town respective to the use or occupancy of the land or building, or any other matter covered by this local law.

§ 48-34. Procedures.

The powers and duties of the Board of Appeals shall be exercised in accordance with the following procedures:

A. The Board of Appeals shall not decide upon any appeal for a variance, special permit or interpretation of this local law without first holding a public hearing, notice of which hearing and of the substance of the appeal or application shall be given by publication in the official newspaper of the town at least ten (10) days before the date of such hearing. In addition to such published notice, the Board of Appeals shall cause such notice to be mailed at least ten (10) days before the hearing to all owners of property which lie within five hundred (500) feet of any lot line of the property for which relief is sought and to such other owners as the Board of Appeals may deem advisable. Such notice shall be sent by registered or certified mail, return receipt requested, and the Board may inspect such receipt to assure proper notification, provided that due notice shall



555 UNION AVENUE NEW WINDSOR, NEW YORK

June 23, 1987

Mr. James Rinaldi 12 Scotchtown Avenue Goshen, N. Y. 10924

APPLICATION FOR AREA VARIANCE

#87-30

Dear Mr. Rinaldi:

This is to confirm that the Zoning Board of Appeals made a decision to grant the above application for a variance at the June 22, 1987 meeting.

Formal decision will be drafted at a later date and forwarded to you by return mail.

Very truly yours,

PATRICIA A. BARNHART

Secretary

/pab

Town Planning Board cc:

Town Building Inspector Babcock

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

					Date: _	7 Jun 187
I.	^^n	icant Informatic	,			
т.	(a)	Name address	and phone of	Applicant)	Goshen, N.	(10924 (Owner)
·	(b) (c)	(Name, address	and phone of	purchaser o	Tel(r lessee)	<u>914) 294-6909</u>
*	(d)	(Name, address	and phone of	attorney)		
II.	App1	(Name, address ication type:	and phone of	broker)		
		Use Variance		Sign	Variance	
	X	Area Variance		☐ Speci	al Permit	
III.	Prop (a) (b) (c) (d) (e) (f) (g) (h)	erty Information 2-4 West (Zone) (Addi What other zone Is a pending sa application? When was proper Has property be Has property be previously? Has an Order to property by the Is there any or proposed? Desc	side Valley View (ress) es lie within ale or lease ty purchased een subdivide een subject of When? Remedy Violate Zoning Inspect of State Storage	500 ft.?	None ZBA approve owner? Z We or special Assued again	e Feb. 1987 nen? permit inst the
IV.	Use (a)	Variance: N(A Use Variance re Section allow: (Describe prope	_, Table of _	Reg	Zoning Logs., Col	ocal Law, , to

	· · · · · ·	· }	
• •			-2-
		(b)	The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.
	♥.✓		variance: Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Buk Regs., Col
ì			Requirements Min. Lot Area ZI,780 SF Available Request Min. Lot Width 100' 109'½ 6 Reqd. Front Yd. 35' 32' 3' Reqd. Side Yd. 15/35' 285/60.5 0/0 Reqd. Rear Yd. 40' 56.9 0 Reqd. Street 60' 98.35' 0 Frontage* 60' 98.35' 0 Max. Bldg. Hgt. 35' 24'¹ 0 Min. Floor Area* 1,000 SF 3300¹ 0 Dev. Coverage* 20 % 10 % 0% Floor Area Ratio**
			* Residential Districts only ** Non-residential districts only
		(b)	The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application. House on Lot 1 was constructed when Property was in three (3) separate parcels; Building Permit was issued many years ago; Present Zoning permits only one Residence per lot, requiring a Subdivision.
	VI.	Sign	Variance: N\A (a) Variance requested from New Windsor Zoning Local Law, Section, Table ofRegs., Col Proposed or Variance Requirements Available Request Sign 1
			Sign 2 Sign 3 Sign 4 Sign 5
			Totalsq.ftsq.ftsq.ft.

. . .

J	(b)	Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.
	(c)	What is total area in square feet of all signs on premises including signs on windows, face of building, and freestanding signs?
		•
VII.	Spec (a)	ial Permit: M/M Special Permit requested under New Windsor Zoning Local Law, Section, Table of Regs., Col
	(b)	Describe in detail the use and structures proposed for the special permit.
VIII.	(a)	ional comments: Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
		An existing, Jingle- Family home exists on each proposed Lot?
IX.	⁄Attac	hments required:Copy of letter of referral from Bldg./Zoning Inspector.
		Copy of tax map showing adjacent properties. Copy of contract of sale, lease or franchise agreement. Gopy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot. Copy(ies) of sign(s) with dimensions. Check in the amount of \$25.00 payable to TOWN OF NEW WINDSOR. Photos of existing premises which show all present signs and landscaping.

9 June 1987

X. AFFIDAVIT

STATE OF NEW YORK) SS.: COUNTY OF ORANGE)	
The undersigned Applicant, being duly s	worn, deposes
and states that the information, statements and rep	resentations
contained in this application are true and accurate	to the best of
nis knowledge or to the best of his information and	l belief. The
applicant further understands and agrees that the 2	Coning Board
of Appeals may take action to rescind any variance	or permit granted
if the conditions or situation presented herein are	materially
changed. ELIAS D	GREVAS
Agent for (Applicant)	
Sworn to before me this The first state of the state of	130, 19 de
XI. ZBA Action:	
(a) Public Hearing date	
(b) Variance is	
Special Permit is	
(c) Conditions and safeguards:	
	· · ·
A FORMAL DECISION WILL FOLLOW WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF	APPEALS.

Application # 87-30 PUBLIC HEARING - Kinaldi, (Applicant) ADDRESS: NAME:

> PUBLIC NOTICE OF HEARING BEFORE ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR
PLEASE TAKE NOTICE that
the Zoning Board of Appeals of
the Town of New Windsor New
York will hold a Public Hearing
pursuant to Section 48-34A of the
Zoning Local Law on the following proposition.

Appeal No. 30

Request of JAMES V.
RINALDI for a VARIANCE of
the regulations of the Zoning
Local Law to permit SUBDIVIE
SION OF A LOT HAVING LESS
THAN THE PROPERTY.

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PUBLIC NOTICE OF
HEARING BEFORE
ZONING BOARD OF
APPEALS
TOWN OF NEW WINDSOR
PLEASE TAKE NOTICE that
the Zoning Board of Appeals of
the Town of New Windsor New
York will hold 3. Public Hearing York will hold a Public Hearing pursuant to Section 48-34A of the

Zoning Local Law on the following proposition.

Appeal No. 30
Request of JAMES V.
RINALDI for a VARIANCE of
the regulations of the Zoning
Local Law to permit SUBDIVISION OF A LOT HAVING LESS THAN THE REQUIRED AREA being a VARIANCE of Section 48-12 Bulk Requirements Col. C for property situated as follows: WEST SIDE VALLEY VIEW DRIVE, AT LAKEVIEW ROAD, NEW WINDSOR, N.Y. KNOWN AND DESIGNATED

AS NEW WINDSOR TAX MAP SEC. 59 BLOCK 4, LOT 2. SAID HEARING will take 2. SAID HEARING will take place on the 22nd day of June, 1987 at the New Windsor Town Hall, 555 Union Avenue, New Windsor N.Y. beginning at 7:30 o'clock P.M.

Jack Babcock Chairman by: Patricia A. Barnhart Secretary

TOWN OF NEW WINDSOR

555 UNION AVENUE NEW WINDSOR, NEW YORK



1763

June 2, 1987

Elias D. Grevas 33 Quassaick Ave. New Windsor, NY 12550

Re: 59-4-2 Rinaldi -- Variance List

Dear Mr. Grevas:

According to our records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$65.00, minus your deposit of \$25.00. Please remit same to the Town Clerk, Town of New Windsor, NY.

Very truly yours,

CHRISTIAN E. JAHRLING, IAO

SOLE ASSESSOR

CEJ/cp Attachments DeZago, Richard & Karen RD 4 Valley Dr. Salisbury M811s, NY 12577

Lunn, George G. & Paula RD 1, Box 136 Salisbury Mills, NY 12577

Madden, James A. Jr. & Marguerte O. RD 4, Windsor Terrace Salisbury Mills, NY 12577

O'Brien, Timothy & Mary J. Apt. 2614 111 Briney Ave. 1 Pompano Beach, Fla. 33062

Haight, Robert R. PO Box 27 Salisbury Mills, NY 12577

Goodrich, Paul & Donna M. RD 1, Box 138A Salisbury Mills, NY 12577

Weider, Arthur 552 Laguardia Place Ne York, NY 10012

Remba, Frances H. Windsor Terrace Salisbury Mills, NY 12577

Sutton, Frances E. & Marianne RD 4 Windsor Terrace Salisbury Mills, NY 12577

Windsor Hills Association Inc. PO Box 144 Salisbury Mills, NY 12577

Best, Hermina & Charles RD 1 Winston Terrace Salisbury Mills, NY 12577

Hicks & Dunnigan Contracting Corp. PO Box 352 Congers, NY 10920

Collins, William & Maragret 16 Valley Drive Salisbury Mills, NY 12577

Willson, Robert & Joanne RD 1, Box 161 Valley View Dr. Salisbury Mills, NY 12577 Blauth, George D. Sr. RD 4 Windsor Terrace Salisbury Mills, NY 12577

Delgado, Stephen & Bertha RD 1, Box 142 Valley Dr. Salisbury Mills, NY 12577

LaFrazza, Joseph & Barbara RD 4 Valley Dr. Salisbury Mills, NY 12577

Gisselbrecht, George L. Jr. & Mary Jane RD 1 Salisbury Mills, NY 12577

Gallagher, John R. & Maragret PO Box 52 Salisbury Mills, NY 12577

Mullholland, Harry G. & Eva M. RD 1, Box 158 Salisbury Mills, NY 12577

McMullan, Keith S. & Jenifer M. Birchwod Lane Ne Windsor, NY 12550

Melone, Mark J, RD 1 Birchwood Dr. Salisbury Mills, NY 12577

Araneo, Vincent A. RD 1 Ridgeview Rd. Salisbury Mills, NY 12577

Travers, Mark & M. Ridgeview Rd. RD 1 Salisbury Mills, NY 12577

Meehan, James F. & Suzanne RD 1, Ridgeview Road Salisbury Mils, NY 12577

D'Jovin, Robert & Bonnie RD 1, Ridgeview Rd. Salisbury Mills, NY 12577

Halinan, Michael J. & Mary Alice RD 1 Ridgeview Road Salisbury Mills, NY 12577

Bauer, Gregory L. & Marilyn L. 134C Valley Dr. Salisbury Mills, NY 12577 Olsen, Jerry & Linda RD 1, Valley View Road Salisbury Mills, NY 12577

Racette, Eugene L. & Florence P. 6 Hudson View Terrace Highland Falls, NY 10920

Toole, Vera M. & Charles F. RD 1 Lakeview Rd. Salisbury Mills, NY 12577

Bucklan, Charles F. PO Box 477 Hobe Sound, Florida 33455

Feuerbach, William F. & Diane S. Box 148
Finley Dr.
Salisbury Mills. NY 12577

Thornton, Philip E. & Melanie Box 147 Finley Dr. Salisbury Mills,

Flanagan, Lillian M. RD 1 Finley Dr, Salisbury Mills, NY 12577

Aliotta, Philip & JoAnn M. RD 1 Finley Dr. Salisbury Mills, NY 12577

Kelly, Maureen RD 1, Box 151 Birchwood Lane Salisbury Mills, 12577

Wray, Andrew & Catherine RD 1 Birchwood Lane Salisbury Mills, NY 12577

Reilly, Dalton & Ann Marie 17 Keeler Place Ridgefield 06877

Sassos, Michael P. & Paul & Sassos, Anastasia Ann Marie Dr. Salisbury Mills, NY 12577

Venditto, Peter George Ann Marie Dr. Salisbury Mills, NY 12577

Pinho, Goncalo A. & Esmeralda 2 Birchwood Lane Salisbury Mills. NY 12577 Nieman, William & Ann Marie RD 4, Birchwood Lane Salisbury Mills, NY 12577

Blooming Grove Operating Co. Inc. PO Box 188 Washingtonville, NY 10992

Barbieu, Kenneth & Juanita RD 1 Valley Dr. Salisbury Mills, NY 12577

Dohrenwend, Henry J. & Elizabeth M. 21-14 25th St. Astoria, NY 11105

Kiefer, Vincent R. & Helen M. 1855 Bogart Ave. Bronx, NY 10462

Derevensky, Richard 161 Valley View Drive New Windsor, NY 12550

Trainor, William M. 161 A Valley View Dr. Salisbury Mills, NY 12577

Rakowiecki, Jos. E. Station Rd. Salisbury Mills, NY 12577

PUBLIC NOTICE OF HEARING BEFORE ZONING BOARD OF APPEALS TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

	Appeal No. 30
	Request of James V. Rinaldi
	for a VARIANCE SPECIAL PERMIT of
	the regulations of the Zoning Local Law to
	permit Subdivision of a lot having less
	than the required area
	being a VARIANCE SPECIAL PERMIT of
ĺ	Section 48-12 BULK FEWIRENEUTS - Col. C
	for property situated as follows:
	West side Valley View Drive, at Lakeview
	Road, New Windsor, n.y. Known and
	designated as New Windsor Tax Map Sec. 59, Block 4,
SAID	HEARING will take place on the 22nd day of Lot 2
<u>Ju</u>	ne, 19 <u>87</u> , at the New Windsor Town Hall,
555 t	Union Avenue, New Windsor, N. Y. beginning at
<u>7:30.</u>	o'clock P. M.

Jack Babcock.

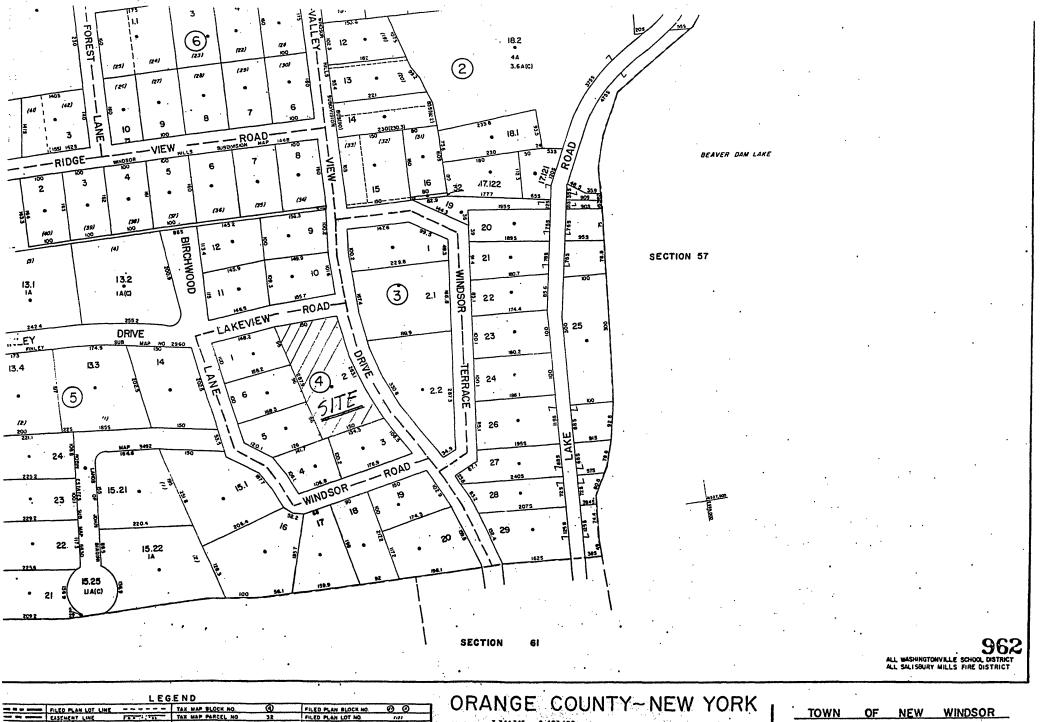
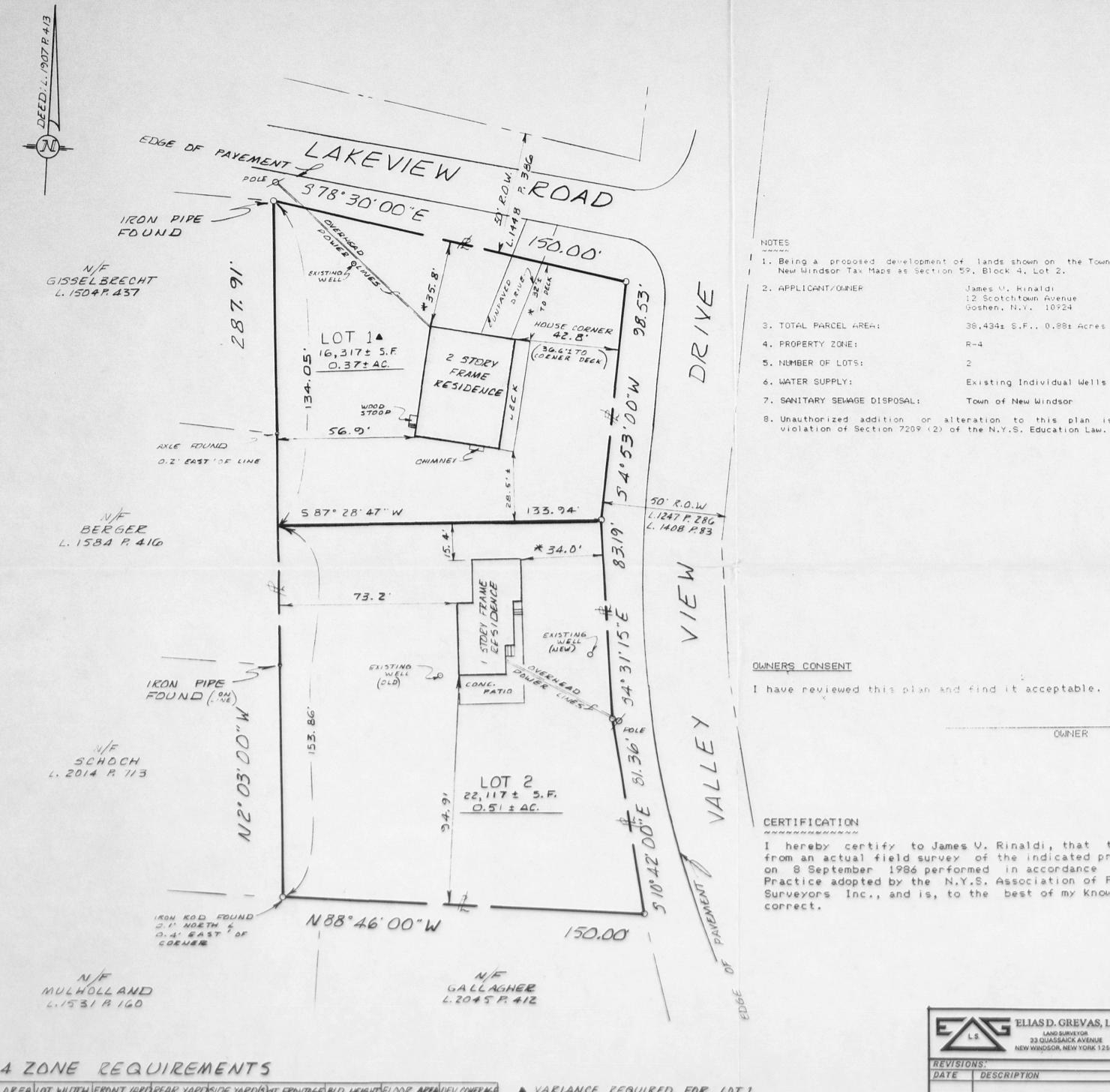


Photo No: 7-344,345 8-497,498 Date of Mop: 9-24-67

Date of Photo: 3-1-65 Date of Revision: 3-1-86

TOWN OF NEW WINDSOR

Section No. 59



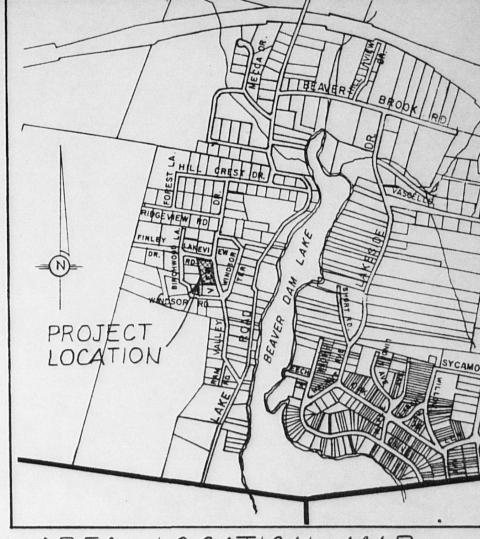
1 1. Being a proposed development of lands shown on the Town of

12 Scotchtown Avenue Goshen, N.Y. 10924

Existing Individual Wells

Town of New Windsor

8. Unauthorized addition or alteration to this plan is a violation of Section 7209 (2) of the N.Y.S. Education Law.



AREA LOCATION MAP SCALE: / " = 1,000° ±

PLANNING BOARD APPROVAL

I have reviewed this plan and find it acceptable.

OWNER

I hereby certify to James V. Rinaldi, that this plan resulted from an actual field survey of the indicated premises completed on 8 September 1986 performed in accordance with the Code of Practice adopted by the N.Y.S. Association of Professional Land Surveyors Inc., and is, to the best of my knowledge and belief,



R-4 ZONE REQUIREMENTS

LOT AREA	LOT WIDTH	FRONT IARD	REAR YARD	SIDE YARD(S	ST. FRONTAGE	BLD. HEIGHT	FLOOR, AREA	DEV. COVERAGE
AMIN.	MIN.	* MIN.	MIN.	MIN.	M/N.	MAX.	MIN.	MAK.
21,780±5 F.	100'	35'	40'	15/30	60.	35'	1,000	20%

A VARIANCE REQUIRED FOR LOT 1

* LESS THAN MINIMUM SETBACKS ON LOTS I & Z ARE AN EXISTING CONDITION AND NOT A RESULT OF THIS SUBDIVISION

EZ/	ELIAS D. GREVAS, L.S. LAND SURVEYOR 33 QUASSAICK AVENUE NEW WINDSOR, NEW YORK 12550 DNS:	PLAN FOR:	ES V.	RINALDI
DATE	DESCRIPTION	TOWN OF NEW WII	NDSOR · ORA	ANGE COUNTY . NEW YOR
		Drown: WBH	/ _	
		Checked:	F	INAL PLAN
		Scole: 1"=30'	MINOR	SUBDIVISION
		Date 22 April, 1987		
		Job No: 86-191		